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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,340	12/01/2000	Tom Vicknair	P/2167-253	5053

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EXAMINER
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DASS, HARISH T

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/728,340

Applicant(s)

VICKNAIR ET AL.

Examiner

Harish T. Dass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,8-10 and 35-41 and 43-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-10,35-41 and 43-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/23/05</u> . | 6) <input type="checkbox"/> Other: _____  |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04 May 2005 has been entered.

***Claim Objections***

2. Claims 1 and 36 are objected to because of the following informalities: "digital images" is not found in original specification. However, the closest comparable reference is "digitally imaging (page 5 of specification) and capturing digital check image (Figure 2 # 110).

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-6 and 7-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

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one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically "discarding" (claim 1) which is not explained in specification.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 and 36-45 are rejected Geer (US 5,930,778) in view of Josephson et al (hereinafter Josephson - US 5,532,464), Cahill et al (hereinafter Cahill - US 5,678,046), and Ramsay et al (hereinafter Ramsay - 5,502,576).

Re. Claims 1, Geer discloses a system for expedited processing of checks and cash items received by a payee, electronic files that mirror paper cash letters and detail records [see entire document particularly - Abstract; Figures 1-2; C1 L1 to C6 L20],

receiving an electronic cash presentment (ECP or transmission of the transactional check data) file, the ECP file containing first records representing paperbased banking transactions [C2 L4-L15; C4 L26 to C5 L9; C7 L25-61; C9 L1-L10; C18 L1-L18],

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for each of the first records, assigning a unique first item sequence number to each respective first record [C7 L38-L58],

receiving the paper-based banking transactions after having received the ECP file, [C4 L45 to C5 L10; C10 L50-57],

generating second records representing the paper-based banking transactions [C15 L17-L19],

generating digital images of the paper-based banking transaction [C4 L26-L42; C8 L9-L67];

for each of the second records, assigning a unique second item sequence number to each respective second record [C13 L44-L49], and

Geer does not explicitly disclose discarding the second item sequence numbers such that the second records are indexable according to the first item sequence number, wherein the second records and the digital images are linked to the records by the first item sequence number and correlating the first and second records.

However, Josephson discloses correlating the first and second records [see entire document particularly, Abstract; Figures; C1 L36-L58; C3 L32 to C5 L9; C8 L35-L51; C27 L37 to C28 L3 – see “correlated item sequence numbers assigned ...”] to cross reference one item sequence number with other for reconciling paper checks to electronic check records.

Cahill discloses a method and apparatus for storing and retrieving images of documents, e.g. checks [see entire document particularly, Abstract; Figures 1-5, 2730; C1 L1 to C10 L62] and discarding the second item sequence numbers such that the

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second records are indexable according to the first item sequence number [C15 L43-L67] to improve database management of document retrieval and quickly access using indexed record.

Ramsay discloses wherein the second records and the digital images are linked to the records by the first item sequence number [Abstract; C30 L55 to C31 L59] to correlate first item serial number with second item (frame number) for identifying and retrieving an item. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Geer and Ramsay to capture the image of an item and assign a sequence number to the image and combine Geer and Ramsay with Josephson to relate the image sequence number to serial number of the item (cross reference) and combine Geer and Ramsay with Josephson with Cahill for indexing the image sequence number with respect to item serial number and store the new indexed table for improved database managing of document retrieval using indexed record.

Re. Claim 2, Geer discloses further comprising performing financial processing with respect to each of the first records [Geer -C3 L30-L55; C4 L26-L42].

Re. Claim 3, Geer discloses wherein the financial processing comprises posting the banking transaction [Geer-C3 L30-L55; C4 L26-L42].

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Re. Claim 4, Josephson, further discloses wherein the step of correlating the first and second records further comprises performing a proofing process [abstract] to cross reference one item sequence number with other. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Geer, Ramsay, Josephson and Cahill to produce indexable table to correlate one item with other for ease of search.

Re. Claim 5, Cahill further discloses prior to the proofing process, sorting the ECP file according to a key to generate an index file, wherein the order of the seconds is thereby irrelevant in the proofing process [C9 L32-L36; C29 L1-L40] to use as a primary key. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of Geer, Ramsay, Josephson and Cahill to revive image record using index as an alternate search key.

Re. Claim 6, Geer discloses wherein the key is selected from the group consisting an account number, a transit number, amount, check number, posting date, the first item sequence number and a payor bank number, each being associated with the paperbased banking transaction [Geer - C7 L38-L62].

Re. Claim 7, Geer discloses wherein the step of generating the second records further comprises generating digital images of the paper-based banking transactions [Geer - C15 L17-L19].

Re. Claim 8, Geer discloses further comprising storing the digital images in an archive [C8 L10-L67; C15 L17-L19; C17 L5-L8].

Re. Claim 9, Geer discloses further comprising generating first digital images of paperbased banking transactions that were not represented in the ECP file (electronic files that mirror paper cash letters and detail records) [C4 L26-L42; C8 L9-L67].

Re. Claim 10, Geer discloses generating second digital images of the paper-based banking transactions that were represented in the ECP file, and storing the first and the second digital images in an archive [C8 L9-L67; C15 L7-L19; C17 L5-L8].

Re. Claim 36, claim 36 is rejected with same rational as claim 1.

Re. Claim 37, claim 37 is rejected with same rational as claim 2.

Re. Claim 38, claim 38 is rejected with same rational as claim 3.

Re. Claim 39, claim 39 is rejected with same rational as claim 4.

Re. Claim 40, claim 40 is rejected with same rational as claim 5.

Re. Claim 41, claim 41 is rejected with same rational as claim 6.

Re. Claim 42, claim 42 is rejected with same rational as claim 7.

Re. Claim 43, claim 43 is rejected with same rational as claim 8.

Re. Claim 44, claim 44 is rejected with same rational as claim 9.

Re. Claim 45, claim 45 is rejected with same rational as claim 10.

### ***Response to Amendment***

5. Applicant's arguments with respect to pending claims have been considered but are moot in view of the new grounds) of rejection.

Regarding Applicant's comment (remark page 6) "that paper checks are not transported (column 6, lines 40-41) ...", see Col. 5 lines 10-13 and Example II of Geer Col. 10 lines 50-57, which states "electronic transfer and processing of payments occur and paper checks follow at some later time for confirmation, reconciliation and storage by the payor bank and/or for return to the drawer. Paper checks in this system are truncated at a point beyond the bank of first deposit, usually at the payor bank, where the checks are stored or imaged for archival storage and "optionally disposed."

*In response to this office action applicant must add a statement no new matter is added.*

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

Carreker, J D. "Electronic check presentment: Capturing new technology", *Banking Management*. Rolling Meadows: Mar/Apr 1995. Vol. 71, Iss. 2; pg. 32, 5 pgs (hereinafter Carreker) [ProQuest document ID: 31797477; ISSN/ISBN: 00104841; Document URL: <http://proquest.umi.com/pqdweb?did=31797477&sid=2&Fmt=3&clientId=19649&RQT=309&VName=PQD> (hereinafter Carreker) discloses electronic check presentment (ECP) wherein data is exchanged in advance of the physical presentment of the check itself.

*6,418,430 to DeFazio et al, Jul. 9, 2002 "System for efficient content-based retrieval of images" discloses a system that creates and uses a visual image index for visual image retrieval. Where the visual image index uses multi-level filtering to reduce the processing and storage needed to identify visual images in a table that have similar characteristics to those of a query image. Further, discloses Oracle 8i, commercially available from Oracle Corporation of Redwood Shores, Calif. Oracle 8i supports a BLOB datatype for direct storage of images within a database system as well as binary file ("BFILE") for managing images stored in external files, including those stored on the Internet as addressable via URLs.*

*US 5,603,025 to Tabb et al, Feb 11, 1997 "Methods for hypertext reporting in a relational database management system" discloses relational database management system (RDBMS) having a hypertext report writing module and placing hypertext links or cross-indexes between reports, the system ties together relatable information into a single, cross-indexed hypertext report.*

*US 6,374,235 to Chen et al, Apr. 16, 2002 "Method, system, and program for a join operation on a multi-column table and satellite tables including duplicate values" discloses a method, system, and program for performing a join operation on a multi-column table and at least two satellite tables having a join condition.*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass  
Examiner  
Art Unit 3628

7/23/05

  
DAVID VINCENT 7/23/05  
PRIMARY EXAMINER